IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No. 1016 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

==========

1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

==========

TEJALBEN D/O ASHWINKUMAR PADHIYAR
Versus
ATULKUMAR TULSHIDAS RAJPUT

==========

Appearance :
MS MEGHA R CHITALIA for Applicant.
RULE SERVED for Opponent.

==========

CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 26/06/2006

ORAL JUDGMENT

By filing this application, the applicant, who is the wife of the respondent – husband has prayed that divorce application being Application No.693/2005 preferred by the respondent before the Family Court, Ahmedabad, may be transferred to Godhra Court.

Ms.Megha Chitalia, learned advocate for the petitioner submitted that the applicant being a lady and being in a pathetic financial condition, she finds it difficult to travel upto Ahmedabad to attend Family Court, Ahmedabad, especially when she apprehends danger to her life. She further submitted that the applicant is financially very weak and even she has not been paid any amount towards maintenance by the husband and, therefore, even for filing this application, she was required to take help through Legal Aid. She further submitted that the applicant – wife has also filed an application for maintenance under Sections 125 before the Court of learned Judicial Magistrate, Godhra and, therefore, the husband is required to attend that case at Godhra. She also submitted that the respondent – husband is financially well-off and he is running PCO as well as flour factory and, therefore, the respondent can very well travel upto Godhra to attend the case.

Though served, the respondent has not chosen to appear and contest this application, therefore, it seems that the respondent has no objection if this application is allowed.

Considering the fact that the applicant is financially weak and she finds it difficult to attend travel from Godhra to Ahmedabad for attending the case at Family Court, Ahmedabad, this application is allowed. Divorce application being Application No.693/2005 pending before Family Court, Ahmedabad, is ordered to be transferred to the District Court, Godhra. After receiving papers of aforesaid application, learned Principal District Judge, Godhra may assign aforesaid application to the appropriate court taking such matters.

Writ to be sent to the Family Court, Ahmedabad as well as District Court, Godhra forthwith.

In view of what is stated herein above, this application is allowed. Rule is made absolute with no order as to costs.

(P.B.MAJMUDAR, J.)

/malek